

REMARKS

Claims 1 through 4, 6, 8 through 16, 18 and 19 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 through 4, 6, 8 through 10, 11 through 16, 18 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Regarding Claim 1, the Examiner notes that the claim recites a “tool-less means” by which the operator may couple the attachment and that “[i]t is unclear what is encompassed by tool-less and what the scope of the claim is.” One thrust of the above-referenced patent application is the capability for an operator of a power tool constructed in accordance with the teachings of the present invention to selectively couple and uncouple tool heads from a tool body without resort to some sort of tool, such as a wrench or screwdriver. Applicant respectfully submits that this meaning is clearly understood from the phrase “a tool-less means by which the operator of the power tool may couple the attachment to the body”. Applicant notes, too, that proper interpretation of the scope of the claims requires examination of both the specification and prosecution history. Accordingly, Applicant submits that the term “tool-less means” is clear within the meaning of 35 U.S.C. §112, second paragraph and respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 1 under 35 U.S.C. §112, second paragraph.

Applicant notes that Claims 2 through 4, 6 and 8 through 10 have been rejected for incorporated Claim 1 by reference. Accordingly, Applicant submits that Claims 2 through 4,

6 and 8 through 10 are in condition for allowance for the reasons set forth for Claim 1, above.

Regarding Claim 11, the Examiner stated that there is insufficient antecedent basis for the limitation “the other one” in line 14 of the claim. Applicant notes that line 13 of Claim 11 recites “a first lock portion that is permanently carried by one of the body and the attachment” and as such, Applicant submits that there is antecedent basis for the phrase “a second lock portion that is permanently associated with the other one of the body and the attachment”. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 11 under 35 U.S.C. §112, second paragraph.

Applicant notes that Claims 12 through 16, 18 and 19 have been rejected for incorporated Claim 11 by reference. Accordingly, Applicant submits that Claims 12 through 16, 18 and 19 are in condition for allowance for the reasons set forth for Claim 11, above.

REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Claims 1 through 4 and 8 through 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Van Laere (U.S. Pat. No. 4,905,423). Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Laere (U.S. Pat. No. 4,905,423) in view of Curtiss (U.S. Pat. No. 4,274,304). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Van Laere (U.S. Pat. No. 4,905,423) in view of Kress et al. (U.S. Pat. No. 4,103,511). These rejections are respectfully traversed.

Applicant initially notes that Figures 34 and 35 of the '423 patent illustrate a chuck attachment that is secured to the motor unit via a plurality of threaded fasteners (178, 179), Figure 37 illustrates a grinder attachment that is secured to a motor unit via a plurality of threaded fasteners (178) in a manner that is similar to that which is shown in Figures 34 and 35, and Figures 38 and 39 illustrate a hedge trimming attachment that may be secured to

the motor unit via a clamping ring (236). In this latter example, the clamping ring is compressed about the motor unit via a threaded fastener (235). In each of these examples, a tool, such as an Allen wrench or a screwdriver, must be employed by the operator to tighten the threaded fasteners to couple the attachment to the motor. Moreover, such clamps and bolt-connections are not locks. Accordingly, the '423 patent to Van Laere does not teach or suggest a power tool with a lock that permits an operator to secure an attachment to a body in either a tool-less manner (which is specified in Claim 1) or via a manual input applied from a hand of an operator of the power tool directly to the lock (which is specified in Claim 11).

In paragraph 9 of the above-referenced Final Rejection, the Examiner states "Claim 11 requires a "manual input"; however, claims are given their broadest reasonable interpretation and a user with or without a tool can be described as a manual input." Applicant notes, however, that the Examiner must consider all of the limitations in the claim. In this regard, the language of the claim is clear that the manual input is applied by the hand of the operator and that the manual input is applied directly to the lock. Accordingly, Claim 11 requires that the hand of the operator apply the input directly to the lock.

In view of the above remarks, Applicant submits that the Examiner has not presented a *prima facie* case of anticipation or obviousness. Specifically, the reference and combination of cited references do not teach or suggest each and every claim limitation. Accordingly, Applicant submits that Claims 1 through 4, 6, 8 through 16, 18 and 19 are in condition for allowance and respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and that the case be passed to issue.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 4, 2004

By: 
Michael D. Zalobsky
Reg. No. 45,512

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600